

ZB# 82-6

Silver Stream Co.

3-1-33

82-6 - Silver Stream

Public Hearing:

May 10, 1982.

Request for
use variance } Trailer
area variance } sales
adj. to 5/24/82 } lot.

Public Hearing 5/24/82

File w/ T. Clerk

General Receipt

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Silver St. Co.

May 25 19 *82*

Received of

Hudview Company

\$ *50.00*

For

3 B A. Application #82-6

DISTRIBUTION

FUND	CODE	AMOUNT
<i>#50.00</i>		
<i>ck</i>		

By

Pauline G. Townsend
Town Clerk

Title

Williamson Law Book Co., Rochester, N. Y. 14609



Received of Hudon Company \$ 50.00
Fifty and 00/100 DOLLARS
 For 3 B A. Application #82-6
 DISTRIBUTION

FUND	CODE	AMOUNT
<u>\$50.00</u>		
<u>OK</u>		

By Pauline G. Townsend
Town Clerk
 Title

Williamson Law Book Co., Rochester, N. Y. 14609



62-4 - Silver Stream



ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x
In the Matter of the Application of

SILVER STREAM CO./CHARLES J. & PETER
BIVONA.

82-6

DECISION
USE AND AREA VARIANCES

-----x
WHEREAS, SILVER STREAM CO. of 285 Route 304, Nanuet,
New York and CHARLES J. and PETER BIVONA
/of 191 Lakeside Road, Newburgh, N.Y., have made application before the
Zoning Board of Appeals for use and area variance (s) for the purpose
of: use of property for mobile home sales and accessory uses;
and

WHEREAS, a public hearing was held on the 24th day of
May, 1982 at the Town Hall, 555 Union Avenue, New Windsor,
New York; and

WHEREAS, applicant appeared by his attorney Stephen L.
Reineke, Esq. of Levinson, Reineke & Ornstein, Central Valley, NY; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: that applicant intends to use the
property in question for mobile home sales and accessory uses in conformance
with Article 27 - Mobile Home Law of the Town of New Windsor;

3. The evidence shows: that applicant, Bivona, owns 1.67
acres of land located in an NC (Neighborhood-Commercial) zone;

4. The evidence shows: that applicant needs several area variances and a use variance to complete project as proposed;

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of the reasonable use of such land or building.

2. The evidence indicates that the plight of the applicant is due to unique circumstances and not to general conditions suffered by other persons within the same zone.

3. The evidence shows that: the applicant will encounter practical difficulty if the area variance requested is not granted.

4. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

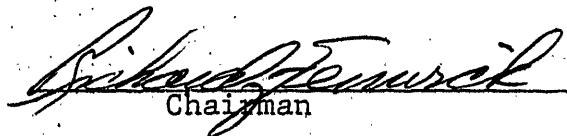
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants the use and area variances

in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant, or his attorney.

Dated: June 14, 1982.


Chairman

file



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

Date: May 25, 1982

Stephen L. Reineke, Esq.
LEVINSON, REINEKE & ORNSTEIN
P. O. Box 244
Central Valley, N. Y. 10954

RE: APPLICATION BEFORE THE ZONING BOARD OF APPEALS
82-6 - Silver Stream Co.

Dear Steve:

This is to confirm that your above application before the
New Windsor Zoning Board of Appeals was granted
at a meeting held on the 24th day of May, 1982.

A formal decision will be drafted and acted upon at a later
date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any further questions, please do
not hesitate to call me. Best wishes.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Pat". The signature is written in dark ink and is positioned above the typed name of the signatory.

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd.

cc: Howard Collett, Bldg./Zoning Inspector
Town Planning Board

TOWN OF HAM WILDER
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

82-6
(Number)

4/27/82
(Date)

I. Applicant information:

- CHARLES J. and PETER BIVONA
191 Lakeside Road
(a) Newburgh, New York 12550
(Name, address and phone of ~~applicant~~) OWNER
SILVER STREAM CO.
(b) 285 Route 304, Nanuet, N.Y. 10954
(Name, address and phone of purchaser or lessee) Applicant
STEPHEN L. REINEKE 928-9444
(c) P.O. Box 244, Central Valley, N.Y. 565-6844
(Name, address and phone of attorney)
(d)
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
☒ Area variance
☐ Sign variance
☐ Special permit

III. Property information:

- (a) NC Route 207 3 1 33 1.67 acres
(Zone) (Address) (\$ B L) (Lot size)
(b) What other zones lie within 500 ft.? A P
(c) Is a pending sale or lease subject to ZBA approval of
this application? Yes
(d) When was property purchased by present owner? 1973

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

82-6
(Number)

4/27/82
(Date)

I. Applicant information:

CHARLES J. and PETER BIVONA
191 Lakeside Road

(a) Newburgh, New York 12550

(Name, address and phone of applicant) OWNER
SILVER STREAM CO.

(b) 285 Route 304, Nanuet, N.Y. 10954

(Name, address and phone of purchaser or lessee) Applicant
STEPHEN L. REINEKE 928-9444

(c) P.O. Box 244, Central Valley, N.Y. 565-6844

(Name, address and phone of attorney)

(d)

(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
☒ Area variance
☐ Sign variance
☐ Special permit

III. Property information:

(a) NC Route 207 3 1 33 1.67 acres
(Zone) (Address) (S B L) (Lot size)

(b) What other zones lie within 500 ft.? A P

(c) Is a pending sale or lease subject to ZBA approval of this application? Yes

(d) When was property purchased by present owner? 1973

(e) Has property been subdivided previously? No When?

(f) Has property been subject of variance or special permit previously? No When?

(g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? No If so, when

(h) Is there any outside storage at the property now or is any proposed? Describe in detail. N/A



IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table USE, Column A, to allow

Permit use of property for Recreational Motor Vehicle
(Describe proposed use)
and Mobile Home Sales and Accessory uses subject to
Mobile Home Local Law - As defined in USE #4, District C
Tale of USE Regulations

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

SEE ATTACHED STATEMENT



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>80,000 sq. ft.</u>	<u>70.872</u>	<u>9,128 sq. ft.</u>
Min. Lot Width <u>200 feet</u>	<u>286</u>	<u>NONE</u>
Reqd. Front Yard <u>60</u>	<u>60+</u>	<u>NONE</u>
Reqd. Side Yards <u>30/70</u>	<u>15/30</u>	<u>15/30</u>
Reqd. Rear Yard <u>30</u>	<u>15</u>	<u>15</u>
Reqd. Street Frontage*		

2 Not To be included

Permit use of property for Recreational Motor Vehicle
 (Describe proposed use)
and Mobile Home Sales and Accessory uses subject to
Mobile Home Local Law - As defined in USE #4, District C
Table of USE Regulations

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

SEE ATTACHED STATEMENT

☐ V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>80,000 sq. ft.</u>	<u>70.872</u>	<u>9,128 sq. ft.</u>
Min. Lot Width <u>200 feet</u>	<u>286</u>	<u>NONE</u>
Reqd. Front Yard <u>60</u>	<u>60+</u>	<u>NONE</u>
Reqd. Side Yards <u>30/70</u>	<u>15/30</u>	<u>15/30</u>
Reqd. Rear Yard <u>30</u>	<u>15</u>	<u>15</u>
Reqd. Street Frontage* <u>6" per foot</u>		
Max. Bldg. Hgt. <u>nearest lot line</u>	<u>7.5</u>	<u>17.5</u>
Min. Floor Area*		
Development Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio** <u>.7</u>		<u>NONE</u>

* Residential districts only

** Non-residential districts only

(b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

SEE ATTACHED STATEMENT



VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

SEE ATTACHED STATEMENT



VI.

Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law,
Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a
variance, and set forth your reasons for requiring
extra or oversize signs.

(c) What is total area in square feet of all signs on premises including
signs on windows, face of building, and free-standing signs?

☐ VII. Special Permit:

(a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

(b) Describe in detail the use and structures proposed for the special permit.

☐ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

☐ IX. Attachments required:

___ Copy of letter of referral from Building and Zoning Inspector.

___ Copy of contract of sale, lease or franchise agreement.

___ Copy of tax map showing adjacent properties

___ Copy(ies) of site plan or survey showing the size and

Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

- (b) Describe in detail the use and structures proposed for the special permit.



VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)



IX. Attachments required:

- ___ Copy of letter of referral from Building and Zoning Inspector.
 - ___ Copy of contract of sale, lease or franchise agreement.
 - ___ Copy of tax map showing adjacent properties
 - ___ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
 - ___ Copy(ies) of sign(s) with dimensions.
 - ___ Check in amount of \$ _____ payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ___ Other

STATEMENT ATTACHED TO
APPLICATION OF
SILVER STREAM CO.

Premises identified Sec. 3, Block 1, Lot 33, Town of New Windsor.

Applicants, who have contracted the acquisition of the subject premises are the owners of the SILVER STREAM TRAILER PARK, located on the opposite side of Route 207 and set back some distance from that highway. In order for a trailer park to successfully develop and to promote the replacement of older mobile homes with the higher valued, more esthetic appearing new units, it is necessary for the development to have a highly visible sales lot. Since the existing park is set back some distance from Route 207, any lot located thereon would not be visible to the public.

The use requested is permitted in the C Zone of the Town, However the only area so zoned is miles away at the border with the Town of Cornwall and accordingly, no site there would be beneficial for the applicant.

The subject site itself is unique in that while it is located within the N C Zone, it is surrounded on three sides by the lands of the Metropolitan Transportation Authority and the fourth side abutts Route 207. Since the surrounding property consists of airport lands and virtually isolates the subject premises from the balance of the zone, it is submitted that the Use Variance is appropriate in that it will not affect the use of any of the surrounding property and in fact, upon removal of the run-down apartment building and sheds located on the premises will actually result in an improvement to the general vicinity.

Since the subject property is the only such parcel isolated in the N C Zone in close proximity to the mobile home development it is the only property that would be appropriate for the proposed use and the inability to use it as a sales lot would create a tremendous financial hardship for the operation of the existing park.

STATEMENT WITH RESPECT TO AREA VARIANCE

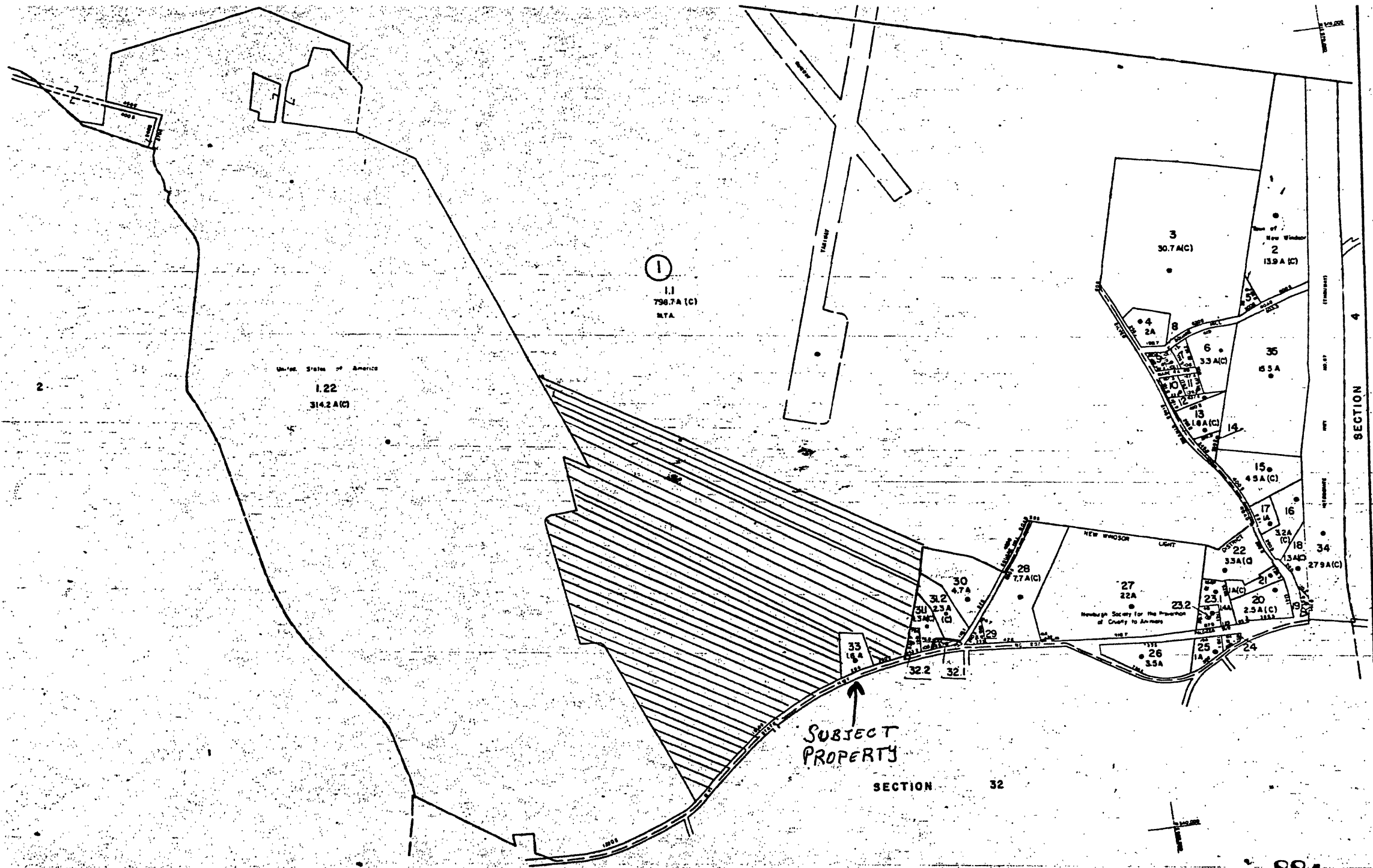
At the outset, it is noted for the Board that the applicant could conceivably complete the application with the sole area variance required being one of minimum lot area and that portion of the application is for a little more than an eleven (11%) per cent variance of the required lot size. Applicant believes that the lot area side and rear yard together with maximum building height requirements for the proposed use were designed primarily for purposes of esthetics and further to keep the proposed use from reducing the value of the adjoining premises. Since the subject property is surrounded entirely by the lands of the M.T.A. and further as can be seen from the plan, extensive plantings will be installed to buffer the subject lot from the adjoining properties, it is submitted that the variance requested is not substantial in relation to the requirements. The variance will have no impact whatsoever on increased demand for municipal services and rather than adversely effect adjoining properties, it should in fact increase the value of the area of the Town in general.

The applicant believes that the granting of the area variance will allow a space esthetically pleasing and yet, properly buffered use of the property which would be more desirable than strict compliance with the rear and side yard restrictions. The sole necessity for the building height variance is by virtue of the proximity of the units to the side yards. However, applicant

believes that after a period of time for development the plantings as shown on the annexed plan will for all intents and purposes isolate the units in close proximity to the adjoining vacant land and thereby effectively comply with the spirit and intention of the area requirements.

CONCLUSION

The applicant is aware that any variance granted by this Board would still leave the premises subject to the site plan review and approval by the Planning Board of the Town. The applicant further believes that due to the unique location of the subject premises as can be more clearly seen by the copy of the Tax Map annexed hereto and that fact coupled with the proposed plan together with the plantings shown thereon all support applicant's request for the variances sought under this application.



884

X. AFFIDAVIT

Date April 26th, 1982

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

SILVER STREAM CO.

By: LESTER CLARK (Applicant)

Sworn to before me this

26th day of ~~April~~, 1982.

STEPHEN L. REINERT
Notary Public, State of New York
Qualified in Putnam County
Commission Expires March 30, 1983

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
Special Permit is _____
- (c) Conditions and safeguards:

5/24/82 - Public Hearing - Silver Stream Co.

Name:

Address:

Marge Clark	285 Route 304, Nanuet, NY
Charles Brown	184 Schenck Rd, Newburgh, NY
Debra Brown	256 Math St. - Newburgh, NY

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARINGS SCHEDULED BEFORE THE ZBA
DATE: May 17, 1982

Kindly be advised that the following public hearing(s) are scheduled to be heard before the Zoning Board of Appeals:

Date: May 24, 1982

Application for use variance of SILVER STREAM CO.
for trailer sales lot on Route 207, which matter
was adjourned from May 10, 1982;

previously furnished

I have ~~attached~~ copies of the application(s) and
pertinent public hearing notice(s) pertaining to same.

Pat

/pd

~~Enclosure~~

cc: Howard Collett, Bldg./Zoning Inspector



Louis Helmbach
County Executive

**Department of Planning
& Economic Development**

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

May 3, 1982

Mr. Richard Fenwick, Chairman
Town of New Windsor Z B A
555 Union Avenue
New Windsor, New York 12550

Re: Silver Stream Co.
Variance
Our File No. NWT-1-82M

Dear Mr. Fenwick:

Our office has reviewed the above application in accordance with the provisions of Section 239, l and m, Article 12-B of the General Municipal Law of the State of New York.

We hereby return this application to your Board for final local determination.

Sincerely,

Peter Garrison
Commissioner of Planning
and Economic Development

Reviewed by Joel Shaw
Senior Planner

PG:rtt
Enclosure

RECEIVED
ALTERNATE OFFICE
TOWN OF NEW WINDSOR
ZBA

1982 MAY 4
BY:

5/10/82 - Public Hearing: Silver Stream Co.

	<u>Name:</u>	<u>Address:</u>
applicants {	Charles J. Biron	189 Lake & W. Hemlock Way
	John J. Biron	256 North St.
	Clare M. Biron	256 North St.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. 6

Request of SILVER STREAM CO., 285 Route 304, Nanuet, N.Y.

for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning Ordinance to
permit A mobile Home Sales Lot

being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-9 - Table of Use Regs., Col. A and
Section 48-12 - Table of Bulk Regs., Cols. 4, 7, 8 & 10.
for property situated as follows:

Route 207, New Windsor - Section 3, Block 1

Lot 33 - adjacent to Little Britain Hair Designs.

SAID HEARING will take place on the 10th day of

May, 1982, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at

7:30 o'clock P. M.

Richard Jenwick
Chairman



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Sole Assessor

Paula King

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

X Metropolitan Transportation
Authority
Stewart Airport, New Windsor
New York, 12550

X Sakadelis Micheline & Angelo N
602 Little Britain Road
New Windsor, N.Y. 12550

✓ VSH Realty Inc.
777 Dedham Street
Canton, Mass. 02021

X Bivona Frank & Rose
633 Little Britain Road
New Windsor, N.Y. 12550

X Anderson Fred & Mary F
625 Little Britain Road
New Windsor, N.Y. 12550

X Bivona Charles J & Elizabeth M
189 Lakeside Road
Newburgh, N.Y. 12550

X Bivona Peter J & Claire
256 North Street
Newburgh, N.Y. 12550

X Bivona Charles J & Peter
191 Lakeside Road
Newburgh, N.Y. 12550

X Bivona Joseph
191 Lakeside Road
Newburgh, N.Y. 12550

X Paladino William C Jr.
Perkinsville Road
Highland, N.Y. 12528

X Pellechia Fred N & Edith
601 Little Britain Road
New Windsor, N.Y. 12550

✓ Vails Gate Fire Co Inc
Route 94
Vails Gate, N.Y. 12584



1763

555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

X Metropolitan Transportation
Authority
Stewart Airport, New Windsor
New York, 12550

X Pellechia Fred N & Edith
601 Little Britain Road
New Windsor, N.Y. 12550

X Sakadelis Micheline & Angelo N
602 Little Britain Road
New Windsor, N.Y. 12550

Vails Gate Fire Co Inc
Route 94
Vails Gate, N.Y. 12584

V VSH Realty Inc.
777 Dedham Street
Canton, Mass. 02021

X Bivona Frank & Rose
633 Little Britain Road
New Windsor, N.Y. 12550

X Anderson Fred & Mary F
625 Little Britain Road
New Windsor, N.Y. 12550

X Bivona Charles J & Elizabeth M
189 Lakeside Road
Newburgh, N.Y. 12550

X Bivona Peter J & Claire
256 North Street
Newburgh, N.Y. 12550

X Bivona Charles J & Peter
191 Lakeside Road
Newburgh, N.Y. 12550

X Bivona Joseph
191 Lakeside Road
Newburgh, N.Y. 12550

X Paladino William C Jr.
Perkinsville Road
Highland, N.Y. 12528

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

LEE ANN BILSKY, being duly sworn deposes and says that
on the 29th day of April, 1982 I mailed by Certified Mail, Return
Receipt Requested a copy of the Notice of Hearing annexed hereto
to each of the above named parties.

Lee Ann Bilsky
LEE ANN BILSKY

Sworn to before me this
30th day of April, 1982

Clayne Volter Hau
Notary Public

CLAYNE VOLTER HAU
NOTARY PUBLIC, State of N. Y.
No. 9725330
Resident of Orange County
Commission Expires 3/30/84

NEW WINDSOR ZONING BOARD OF APPEALS
Regular Session
April 26, 1982

MEMBERS PRESENT: Richard Fenwick, Chairman
Dan Konkol, V. Chairman
Joseph Skopin
James Nugent
Vincent Bivona
John Pagano

MEMBERS ABSENT: Jack Babcock

ALSO PRESENT: Andrew S. Krieger, Esq.,
Attorney for the Board

The April 26, 1982 meeting of the Zoning Board of Appeals was called to order by Chairman Richard Fenwick. Roll call was taken by Dan Konkol in the absence of the Secretary.

Motion followed by Vincent Bivona, seconded by James Nugent, to accept the minutes of the April 12, 1982 meeting as written.

ROLL CALL: Mr. Pagano - Yes
Mr. Bivona - Yes
Mr. Nugent - Yes
Mr. Skopin - Yes
Mr. Konkol - Yes
Mr. Fenwick - Yes

Motion carried 6-0.

* * * * *

Preliminary Meeting:

Richard Castaldo, P. E., of Wehran Engineering P. C., 666 East Main Street Extension, Middletown, N.Y., appeared before the ZBA in behalf of the Village of Cornwall-on-Hudson, with a request for a 7 1/2 ft. sideyard variance and use variance for construction of a water metering building to be located on Riley Road in an R-4A zone. This type of construction is not permitted in a residential zone.

Motion followed by Vincent Bivona, seconded by Dan Konkol to schedule matter for public hearing upon return of the completed paperwork; and that all fees were to be waived in connection with this application.

ROLL CALL: Mr. Pagano - Yes Mr. Skopin - Yes
Mr. Bivona - Yes Mr. Konkol - Yes
Mr. Nugent - Yes Mr. Fenwick - Yes

Motion carried 6-0.

April 26, 1982

* * * * *

Preliminary Meeting:

Stephen Reineke, Esq., P. O. Box 244, Central Valley, New York, appeared before the ZBA representing Silver Stream Company with a request for a use variance and area variance (Lot area, rear yard and building height required) to permit use of property for recreational motor vehicle and mobile home sales and accessory uses subject to the Mobile Home Local Law. The property in question is located on Route 207 across from Bivona's Deli. Mr. Reineke explained that the old apartment house now existing upon the property will be razed.

Site Plans were submitted for examination by Board members.

Mr. Reineke explained that Charles J. and Peter Bivona are owners of the property and Silver Stream Co. (Lester Clark) is contract purchaser.

Motion followed by Joseph Skopin, seconded by John Pagano to schedule a public hearing upon the receipt of the completed applications.

ROLL CALL:	Mr. Pagano	- Yes
	Mr. Bivona	- Abstaining
	Mr. Nugent	- Yes
	Mr. Skopin	- Yes
	Mr. Konkol	- Yes
	Mr. Fenwick	- Yes

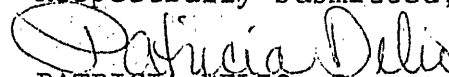
Motion carried 5 ayes - 1 abstention.

It was requested that the Secretary search out the files and have available for the public hearing all pertinent information concerning the expansion of the trailer park.

* * * * *

Since there was no further business to be brought before the Board, motion followed by Joseph Skopin, seconded by John Pagano to adjourn. Motion carried, all ayes. Meeting adjourned.

Respectfully submitted,


PATRICIA DELIO, Secretary

OFFICE OF THE PLANNING BOARD

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, New York 12550
(914) 565-8800

Copy to: James R. Loeb, Attorney

July 29, 1971

1763

Theodore F. Marsden, Supervisor
Town of New Windsor
555 Union Avenue
New Windsor, New York (12550)

RE: Silver Stream
Trailer Park
Application.

Dear Sir:

This is to inform you of the status of Mr. Bivona's application for an extension to Silver Stream Trailer Park; as requested in your letter dated, July 8, 1971.

Engineer Kessler's report, dated July 3, 1971, was #9., on the agenda of the Planning Board meeting, held on July 14, 1971. The report stated that:

" Examination of the preliminary plan with respect to road layout indicates three areas where excessive grades may be encountered. These grades, coupled with the large cuts and fills necessary to correct them, can make several of the lots almost inaccessible to trailers. The worst condition occurs on the new easterly road, in the vicinity of proposed lots 25 thru 29. It appears that a realignment of this road should be made, starting at lot 25 and continuing in a northwesterly direction until it intersects with the existing entry road just to the south of the stream.

Use of an alignment as suggested above will also alleviate the problem of poor sight distance which occurs at the proposed easterly entrance to the trailer park.

Among some of the other potential problems of the subdivision are the steep grades on lots 21,22,23,24, & 25. Grades of 15% to 20% exist on these lots. These steep grades will make siting of trailers very difficult.

Further review of this subdivision is impractical without road profiles, proposed grades, and proposed improvements.

Bernard Kessler"

We will be glad to inform you of all future progress of this application.

Sincerely yours,

BERNARD KESSLER, P.E.
Consulting Engineer
6 FLEETWOOD AVENUE
Spring Valley, N.Y. 10977

914 356-0217

July 3, 1971

Town of New Windsor Planning Board
Re: Silver Stream Trailer Park
Preliminary Comments.

Examination of the preliminary plan with respect to road layout indicates three areas where excessive grades may be encountered. These grades, coupled with the large cuts and fills necessary to correct them, can make several of the lots almost inaccessible to trailers. The worst condition occurs on the new easterly road, in the vicinity of proposed lots 25 thru 29. It appears that a realignment of this road should be made, starting at lot 25 and continuing in a northwesterly direction until it intersects with the existing entry road just to the south of the stream.

Use of an alignment as suggested above will also alleviate the problem of poor sight distance which occurs at the proposed easterly entrance to the trailer park.

Among some of the other potential problems of the subdivision are the steep grades on lots 21, 22, 23, 24, & 25. Grades of 15% to 20% exist on these lots. These steep grades will make siting of trailers very difficult.

Further review of this subdivision is impractical without road profiles, proposed grades, and proposed improvements.

Bernard Kessler

BERNARD KESSLER, P.E.
Consulting Engineer
6 FLEETWOOD AVENUE
Spring Valley, N.Y. 10977

914 356-0217

February 21, 1972

Town of New Windsor Planning Board

Re: Silver Stream Trailer Park

The latest submission of this plan has added the following items:

1. Walks - The layout is a good one providing all lots with access to the play area.
2. Lighting - A sufficient lighting plan is shown with illumination at all street intersections and at intermediate points.
3. Landscaping - Additional trees should be indicated. The Mobile Home Law requires plantings at intervals of not "less" than 50'. I believe this was meant to read not "more" than 50'. (Sect. 27A-23)

There has still been no change made in the proposed elimination of the easterly entrance road as suggested in my reports of July 3 and October 7, 1971.

Bernard Kessler

BERNARD KESSLER, P.E.
Consulting Engineer
6 FLEETWOOD AVENUE
Spring Valley, N.Y. 10977

914 356-0217

October 7, 1971

Town of New Windsor Planning Board

Re: Silver Stream Trailer Park

Preliminary Grading Plan.

The proposed road and site grades show considerable improvement over the preliminary plan submitted in May 1971.

The maximum road grades are now about 8%. The original Lots 21, 22, and 23, which were the steepest on the site, are eliminated and are now green area. All remaining lots which had excessive grades show cuts or fills to match the roads and thus make them easily accessible.

The easterly roadway still shows an entrance to Route 207 through the road to the laundry. This road should be curved to the west as suggested in my report of July 3, 1971.

Bernard Kessler

9-11-73
S

RIDER, WEINER & LOEB, P.C.
ATTORNEYS AND COUNSELLORS AT LAW

M. J. RIDER (1906-1988)
ELLIOTT M. WEINER
JAMES R. LOEB
DAVID L. RIDER

POST OFFICE BOX 1268
LITTLE BRITAIN ROAD (ROUTE 207)
NEWBURGH, NEW YORK 12550
(914) 562-8700

September 11, 1973

Planning Board, Town of New Windsor
Union Avenue
New Windsor, New York

Re: Silver Stream Trailer Court - Our File: 7632

Gentlemen:

We received preliminary approval of our plans for an extension of our new trailer court from your Board. In addition, we have submitted to the Health Department the plans and have been waiting for their approval for some time.

The surveyors from the Metropolitan Transportation Authority have been through our property and we have been advised that the high speed railway will either run through the proposed new section or through another area on which the owner's houses are located.

Under the circumstances, we would appreciate an extension of the preliminary approval until a determination is made by the MTA of the location of the high speed railway.

Very truly yours,

RIDER, WEINER & LOEB, P.C.

By: *Elliott M. Weiner*

EMW/cm



OFFICE OF THE PLANNING BOARD

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

December 5, 1974

Elliott Weiner, Esquire
Rider, Weiner & Loeb Attorneys
Little Britain Road
New Windsor, New York 12550

RE: Silver Stream Trailer
Court

Dear Mr. Weiner:

This is to inform you that the New Windsor Planning Board at the November 13, 1974 Meeting granted a one (1) year extension to the preliminary approval of Silver Stream Trailer Court.

Respectfully,

JOSEPH LOSCALZO
Chairman

JL:sh

RIDER, WEINER & LOEB, P.C.
ATTORNEYS AND COUNSELLORS AT LAW

M. J. RIDER, (1906-1968)
ELLIOTT M. WEINER
JAMES R. LOEB
DAVID L. RIDER
JOHN K. MCGUIRK

POST OFFICE BOX 1268
178 GRAND STREET
NEWBURGH, NEW YORK 12550
(914) 562-8700

February 8, 1972

Re: Silverstream Trailer Park
(Bivona)

Planning Board
Town of New Windsor,
Town Hall,
Union Avenue,
New Windsor, N. Y.

Gentlemen:

I am enclosing herewith two copies of revised plan for the Silver Stream Trailer Park. These have been revised in accordance with discussions between your engineer and our engineer.

Would you please forward copy of the plan to your engineer for his comments.

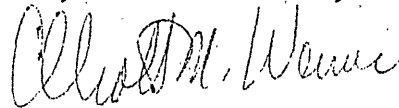
EMW:eml

Very truly yours,

cc-Peter Bivona
cc-Kenneth Russ

RIDER, WEINER & LOEB, P. C.

By:



N. B.-We would appreciate your forwarding to us a copy of his comments.

OFFICE OF THE PLANNING BOARD

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

December 16, 1975

75-23
TO WHOM IT MAY CONCERN:

The Planning Board of the Town of New Windsor at the December 10, 1975 meeting granted APPROVAL to the Silver Stream Trailer Park Site Plan.

Very truly yours,

Henry Van Leeuwen

HENRY VAN LEEUWEN
Vice Chairman

HVL:s

Silver Stream Trailer Park continued:

Mr. Cuomo: This will follow along the natural stream bed.

Mr. Bivona: We no longer need the sewer plant. The only change in the plans is that we don't have the sewer plant.

Mr. Cuomo: There was a discussion on an easement.

Mr. Argenio: We are here for the general map.

Mr. Jones: They won't have septic system. They are going into Sewer District 19.

Vice-Chairman Van Leeuwen: Do you meet the qualifications of Zoning?

Attorney Weiner: We did. *Who says*

Mr. Jones: You don't ask the County to give permission to hook up into town sewers. This park was pre-existing to zoning.

Attorney Weiner: Our Engineer designed this to meet with the Mobile Home Law.

Mr. Bivona: We made the lots bigger in case we have to go through F.H.A.

Motion by Mr. Argenio seconded by Mr. Jones that the Planning Board of the Town of New Windsor approve the site plan of Silver Stream Mobile Homes site located on Route 207. Vote- all ayes, Motion carried.

#3 on the Agenda:

FRED VISCONTI SWIMMING POOL
LOCATED ON 9W

Mr. Lambert who represents Mr. Visconti called Secretary on Thursday to say the plans from the Engineer were not ready and that he would call when ready to be placed on the agenda.

#4 On the Agenda:

BULL ROAD SUBDIVISION Discussion #75-48
LOCATED ON BULL ROAD
REPRESENTED BY Mr. George Pixely and
Mr. A. Mittlemerk

Mr. Pixley: We are here for a pre-submission conference. We have made some copies for your review. This land is located on Bull Road.

Mr. Greb continued: We have two developments. Since it is all part of one operation we would like to submit it as one set of plans. One of ours is Windsor Grove and the other Country Side. It would avoid confusion at some future date. We would do away with Country Side on Bull Road and make it all Windsor Grove.

(Explained on the map about increasing the green area.)

A pumping station was originally planned. If we do away with four (4) lots we could do away with the pumping station. We put in all proper footages. We put three lots where there was one, with your permission. We will retain a fifty foot right-away into the parkland. We would eliminate the big house that we were going to save. We would level it.

Vice-Chairman Van Leeuwen: I would like this gone over by the Engineer.

Mr. Greb: I went over this with Mr. Cuomo before coming before you. Lots 1,2, 10 and 11 are out. We will redraw these plans if they meet with your approval. We would be changing only what is in red. At your next meeting I will submit the plans for your to finalize.

Vice-Chairman Van Leeuwen: Before the next meeting please give your plans to the Town Engineer for his review.

Mr. Cuomo: I can look them over before the next meeting for any recommendation.

Motion by Mr. Jones seconded by Mr. Argenio that the Planning Board of the Town of New Windsor approve the change of name of the Country Side Homes Subdivision located on Bull Road owned by Mr. George Greb to Windsor Grove Subdivision. Vote- All ayes, Motion carried.

#2 on the Agenda:

SILVER STREAM TRAILER PARK #75-23
located on Route 207
Represented by Attorney Elliott Weiner

Atty. Weiner: If you recall we got preliminary approval more than two (2) years ago. We have had a number of problems. We had to design a sewer plant. The Health Department didn't approve it. It took one year. Then the M.T.A. came along and they were negotiating for the high speed railroad. They finally abandoned their plans. We went back to the Health Department and changed the Sewer Plant but then the Town came along with Sewer District 19. We had our Engineer draw up a new map showing we would connect on to Sewer District 19. This we would do as soon as the pipes go in. It is the same map. Before we were going to have a sewer plant and now it will be hooked up to Sewer District 19. If you don't have to do anything more we can go to the Health Department.



OFFICE OF THE PLANNING BOARD

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

December 1, 1975

Elliott Weiner, Esquire
Rider, Weiner & Loeb, P.C.
P.O. Box 1268
Newburgh, New York 12550

RE: Silver Stream Trailer
Park

Dear Mr. Weiner:

At the November 26, 1975 Meeting of the Planning Board it was decided that someone must appear representing Silver Stream Trailer Park regarding any extension.

This site plan has been placed on the Agenda for December 10, 1975. The meeting starts at 8:00 P.M. and you are number two (2) on the Agenda. If this date is not convenient please notify our Secretary, Shirley Hassdenteufel.

Very truly yours,

Joseph Loscalzo
JOSEPH LOSCALZO
Chairman

JL:sh

RIDER, WEINER & LOEB, P.C.
ATTORNEYS AND COUNSELLORS AT LAW

M. J. RIDER (1906-1968)

ELLIOTT M. WEINER

JAMES R. LOEB

DAVID L. RIDER

DAVID L. LEVINSON

STEPHEN L. REINEKE

POST OFFICE BOX 1268
LITTLE BRITAIN ROAD (ROUTE 207)
NEWBURGH, NEW YORK 12550

(914) 562-8700

November 21, 1975

Re Silver Stream Trailer Court
Our File #7632

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12550

Att: Joseph Loscalzo, Chairman

Dear Mr. Loscalzo:

Last year, you gave us an extension of the preliminary approval on the above trailer court.

As you know, their plans call for the installation of a sewer plant. However, since we are in the new sewer district, we will wait until the lines are installed and then connect into them. This will call for some revision in our plans.

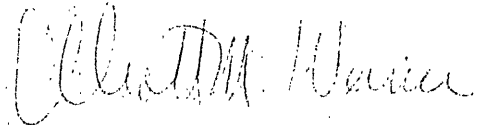
Under the circumstances, we would appreciate it if you would extend our preliminary approval for six months.

Thank you very much for your cooperation.

Very truly yours,

RIDER, WEINER & LOEB, P.C.

By



EMW/gm

cc: Mr. Peter Bavona

RIDER, WEINER & LOEB, P.C.
ATTORNEYS AND COUNSELLORS AT LAW

M. J. RIDER (1008-1058)

ELLIOTT M. WEINER
JAMES R. LOEB
DAVID L. RIDER

DAVID L. LEVINSON
STEPHEN L. REINEKE

POST OFFICE BOX 1268
LITTLE BRITAIN ROAD (ROUTE 207)
NEWBURGH NEW YORK 12550
(914) 562-8700

October 30, 1974

Re Silver Stream Trailer Court
Our File #7632

Planning Board, Town of New Windsor.
Union Avenue
New Windsor, New York

Gentlemen:

We are requesting hereby an extension of an additional year on the preliminary approval of the Silver Stream Trailer Court.

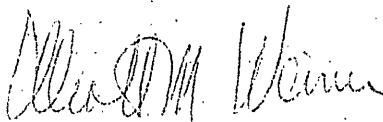
During the past year, there have been additional negotiations with the MTA in connection with the location of the proposed railroad and we are not sure which part of our property they will be taking.

Under the circumstances, we would appreciate your extending this approval for another year.

Very truly yours,

RIDER, WEINER & LOEB, P.C.

By



EMW/gm

cc: Mr. Charles Bavona

CENTRAL HUDSON
GAS & ELECTRIC CORPORATION

RECEIVED
MAY 28 1975

256 BROADWAY, NEWBURGH, NEW YORK 12550
NEW WINDSOR PLANNING BOARD

561-1000

May 16, 1975

Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12550

Att: Mr. Joseph Loscalzo

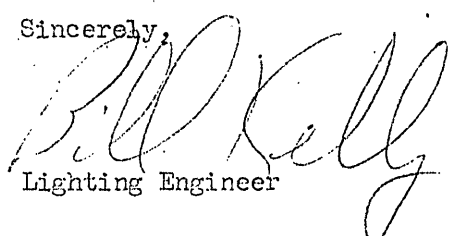
Re: Silver Stream Trailer Court

Dear Mr. Loscalzo:

Silver Stream Trailer Court has approached us regarding the installation of an additional twelve trailers. They have shown me your letter of December 5, 1974 informing Mr. Elliot Weiner that on November 13th, your Planning Board granted a 1 year extension for the preliminary approval of Silver Stream Trailer Court. Since this is only preliminary approval, I am assuming that you will be reviewing this project before granting final approval. Therefore, I can not construct any facilities in this park until such time as the entire project has been approved by all governmental authorities having jurisdiction.

I would appreciate hearing from you regarding this matter.

Sincerely,


Lighting Engineer

WJKelly/lp

cc: Mr. Paul Cuomo, Town Engr.
Milton Fischer, Supervisor

SILVERSTREAM TRAILER COURT

³⁵
M.D. ~~20~~ LITTLE BRITAIN ROAD
(OPPOSITE STEWART AIR FORCE BASE ENTRANCE)

NEWBURGH, N. Y. 12550

~~MANAGER~~
~~WALTER M. MESS~~

504-1292
TELEPHONE ~~562-3706~~

June 22, 1975

Town of New Windsor Planning Board
555 Union Avenue--Town Hall
New Windsor, New York

Gentlemen:

Since the preliminary approval of our proposed expansion we have encountered numerous obstacles from the M.T.A. due to their proposed acquisition of part or all of the Silver Stream property; such proposals as the taking of the park's existing and proposed drain field, as well as other portions of the park's land on which expansion was planned. Now that the proposed railway is not in the very near future but Town sewage is a reality by next spring, we are applying for our final approval.

The final approval of course is contingent on Town sewage. We will construct our pads and other facilities, but they will not be occupied until we are able to hook onto the Town sewage.

Please place our request for approval on the agenda for the July 1975 meeting of the Board.

Respectfully submitted,



Peter J. Bivona
President

PJB/cab

LEVINSON, REINEKE & ORNSTEIN

ATTORNEYS AT LAW

P.O. BOX 244

CENTRAL VALLEY, NEW YORK 10917

DAVID L. LEVINSON
STEPHEN L. REINEKE
PAUL N. ORNSTEIN
*MEMBER OF N.Y. & N.J. BAR

TELEPHONE
(914) 928-9444
(914) 565-6844

April 30, 1982

Mr. Richard Fenwick
22 Valewood Drive
New Windsor, New York 12550

Re: Silver Stream Sales Lot
Application, New Windsor ZBA
Our File #2,310

Dear Mr. Fenwick:

I am writing in order to advise that after Mr. Clark conferred with his partners concerning the time limitation we had discussed and Mr. Clark had agreed to at the April 26th meeting, the general partnership group was not in agreement with his position. I did not want this to be brought up initially at the hearing and therefore wish to give you the partnership's alternate proposal with respect to control of the site.

Although they aren't willing to make a significant investment with the limitation on time that was proposed, the partnership is comfortable with your Board attaching as a condition to the permit a periodic review (presumably annually) in order to insure that the site is established and being operated in accordance with the plans submitted as part of the application. Should the Board determine that the site is not in compliance with the plans, the partnership is willing to accept a forty-five (45) day notice to cure and upon their failure to so cure, the variance would be deemed discontinued and the premises would have to be vacated within a reasonable period of time (presumably six (6) to twelve (12) months, at your discretion).

I realize that this is significantly different from the discussion that we had at the hearing and I apologize for any difficulties this will cause the Board. I am by copy of this letter forwarding the proposal to your secretary with the understanding that she will circulate it amongst your Board members in order that all parties will have had an opportunity to review the proposal prior to the hearing date.

RECEIVED
ATTORNEYS OFFICE /28A
TOWN OF NEW WINDSOR

MAY 3 1982

BY: Garcia Delia

Mr. Richard Fenwick

-Page 2-

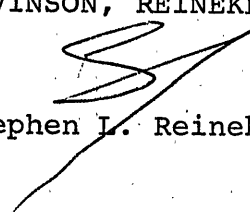
April 30, 1982

Should you wish to discuss it by phone, please feel free to contact me and I can usually be reached between 5:00 and 6:00 in the evening.

Thank you for your courtesies.

Very truly yours,

LEVINSON, REINEKE & ORNSTEIN



Stephen L. Reineke

SLR/lab

cc: Patricia Delio
Lester Clark

